

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 6/13/12

MIGUEL P. QUINONES,

Plaintiff,

10 Civ. 6195 (JGK) (JLC)

- against -

ORDER

POLICE DEPT. OF THE CITY OF NEW YORK,
ET AL.,

Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the Report and Recommendation of Magistrate Judge Cott, dated April 12, 2012. Magistrate Judge Cott recommends that the plaintiff's motion to set aside the settlement agreement and judgment, vacate the order of discontinuance, and restore the case be denied. The Magistrate Judge also recommends that the defendants' cross motion to enforce the settlement agreement be granted. The Magistrate Judge also recommends that the charging lien of the plaintiff's former counsel be enforced to the extent of one-third of the \$25,000 settlement amount, or \$8,333.

The plaintiff has filed objections to the Report and Recommendation and the Court has therefore considered the Report and Recommendation de novo. The plaintiff has presented no basis for rejecting the settlement, vacating the judgment or

restoring the case. Therefore, those aspects of the Report are adopted for the reasons explained by the Magistrate Judge.

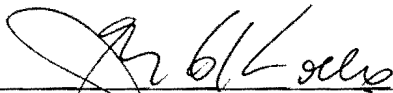
The plaintiff does object to the size of the attorney's fee set by the Magistrate Judge. However, the Magistrate Judge reduced the contingency fee for the plaintiff's lawyer from 40 percent to one-third. That contingency fee, and the resulting amount, are reasonable under all of the circumstances. Therefore, the Court will also adopt this part of the Magistrate Judge's Report and Recommendation.

Therefore, the Court adopts the Report and Recommendation in its entirety. The Clerk is directed to close all pending motions.

The case is again referred to the Magistrate Judge to supervise the conclusion of the settlement, including obtaining the releases and assuring that the settlement proceeds are paid as agreed upon.

SO ORDERED.

Dated: New York, New York
June 12, 2012



John G. Koeltl
United States District Judge